



Winston Hickox
Secretary for
Environmental
Protection



Gray Davis
Governor

MINUTES OF
REGULAR MEETING
Friday, July 12, 2002
REGIONAL WATER QUALITY CONTROL BOARD

Friday, July 12, 2002, 8:30 a.m.

Chairman Gary Shallcross called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:35 a.m. on July 12, 2002, in the Conference Room of the Central Coast Regional Board Office, 81 Higuera Street, Suite 200, San Luis Obispo, California.

1. Roll Call.....Executive Office Technician Carol Hewitt

Board Members Present:

Chairman Gary Shallcross
Vice Chair Leslie Bowker
Vice Chair Bruce Daniels
John Hayashi
Russell Jeffries
Marco Rizzo
Daniel Press
Donald Villeneuve

Absent: Jeffrey Young

2. Introductions..... Executive Officer Roger Briggs

Executive Officer Roger Briggs introduced staff members, Jennifer Soloway, Brad Hagemann, Christine St. Clair, Carol Hewitt, and John Goni. Executive Officer Briggs asked all interested parties who wished to comment to fill out testimony cards and submit them. Mr. Briggs pointed out the Supplemental Sheets for Item Nos. 7, 9, 14, and 18. Mr. Briggs introduced our new State Board Liaison, Gary Carlton. Mr. Carlton is the past Executive Officer of the Central Valley Regional Water Quality Control Board. Mr.

Briggs introduced Eric Gobler, Senior Engineer, who recognized staff member Lida Tan, for her outstanding service for the last four years at the Regional Board. Lida will be returning to the offices of USEPA in San Francisco. Lida will receive a resolution of appreciation. Mr. Briggs introduced staff member, Richard Aleshire. Richard is retiring after thirty years of service with the Regional Board. Roger presented Richard with a plaque.

16. Report by State Water Resources Control Board Liaison..... Gary Carlton

Mr. Gary Carlton was recently appointed by the Governor to the State Water Resources Control Board. His seat is for Civil Engineer. Mr. Carlton gave a brief historical background to the Board and outlined his goals that included: 1) Optimizing coordination and communication between Regional Boards and the State Board. 2) Focusing on water quality issues

(groundwater, water rights, storm water control permits in Southern California, and new NPDES permits for surface water discharges in San Francisco bay area). 3) Budget issues (how cuts and reductions will be handled). 4) SWIM (state of the art data management, redirecting funding to keep the program going).

3. Approval of Minutes for May 30-31, 2002 Meeting.....Board Motion

MOTION: Russell Jeffries moved to approve the minutes for the March 22, 2002 meeting. SECONDED by Leslie Bowker. CARRIED – Unanimously (8-0)

4. Public ForumChair Shallcross

- David Nelson, Morro Bay resident, addressed the Habitat Enhancement Program that was presented at the May 30-31, 2002 Board meeting. Mr. Nelson believes that alternative cooling is affordable and that damage to the estuary has been done by the existing power plant. He pointed out that tons of nitrogen are released into the bay by the plant.
- Nancy Castle, AGP Video, asked the Board to support a proposed contract for continued video services. She noted that the service is a real plus for the agency and requested that those out of the area to leave their email address with her so that she can work together with the out of town Board Members to get a government access outlet in their

area. She asked the Board to assist AGP Video in finding funding to keep the service going.

- Steve Mathieu, AGP Video, asked the Board and staff to communicate with AGP on the proposed contract.

Some Board members encouraged continued support of the video services for public awareness. Mr. Briggs noted the absence of a State budget at this time, the absence of regionwide broadcast of the tapes, and suggested that staff evaluate the proposed contract and make a recommendation at the September Board meeting.

5. Low Threat Cases, General Orders, Waivers and Closures.....Information and Discussion

Executive Officer Briggs noted one case listed for a waiver of waste discharge requirements and one staff closed case.

6. Uncontested Items Calendar.....Board Motion

There were no items for the consent calendar.

7. MTBE Sites Status Report

The Regional Board asked questions about some of the MTBE sites. Regarding Chevron, Cambria, the Board asked about Figure 4 of the staff report which shows ground water migration contours toward Santa Rosa Creek. Sheila Soderberg, staff geologist, indicated that a stilling well in Santa Rosa Creek would yield accurate water level measurements that could be used as part of the remedial system operation. However, to date, MTBE has not been detected (<0.5 ppb) in near-surface groundwater samples collected along the creek bank or in surface water samples collected from Santa Rosa Creek. In addition, MTBE concentrations have decreased in monitoring well MW-37A, located at the edge of the groundwater contaminant plume. During the March and June 2002 groundwater-sampling

events, MTBE was detected in MW-37A at 2.7 ppb and 4.5 ppb, respectively.

Second, regarding the Camp Evers site in Scotts Valley, the Board directed staff to continue to urge the City of Scotts Valley to facilitate the cleanup process.

Third, regarding the Regionwide MTBE list, the Board directed staff to write to the County of Santa Barbara indicating disappointment in the MTBE information presently being provided to the Board and requesting better monitoring of its MTBE sites, especially the high priority sites.

The Board asked that a sign be placed at the clean-up site in the Von's parking lot in Los Osos for public

awareness and education. Staff will contact the consultant working at the location.

Chair Shallcross announced a break at 9:45 a.m. The meeting reconvened at 9:55 a.m.

8. Enforcement Report [Gerhard Hubner 805/542-4647 and Brad Hagemann 805/549-3697] Status Report

This was a written report.

9. Goleta Sanitary District [Michael Higgins 805/542-4649] Resolution No. 2002-0077

Regional Board staff member Michael Higgins presented the elements of proposed Resolution No. RB3-2002-0077.

With regard to proposed Finding No. 14, Mr. Daniels asked how the Discharger addressed the discharge's future adverse effects on the Ocean. Mr. Higgins noted the application included modeling of the projected effects for 2007 of suspended solids at the projected flowrate.

Dr. Press requested explanation of the fluctuation in influent flowrates. Mr. Higgins explained that the low flow in 1991 was due to the long-term drought, to which the District responded by instituting a water conservation program. The high flow around 1997 was due to record-breaking rainfall due to El Niño.

Kamil Azoury, the Discharger's General Manager, stated the flow projections will not occur; the projections are wrong. Mr. Azoury proposed the Board issue the permit with the flow restricted to the flow in the existing permit.

Kris Lindstrom, the Discharger's consultant, stated that the Resolution's Findings conflict with the facts, which show the discharge complied with the 301(h) criteria. The issue of the sulfur bacteria has not come up before. The bacteria cover the seafloor (background conditions). To say the bacteria impair the Ocean's beneficial uses is wrong.

Gary McFarland, Goleta West Sanitary District and Water District, stated his support for the waiver

because the evidence clearly indicates compliance. An increase in influent flow and degradation won't be seen because we haven't and won't see growth.

Ken Taylor, former Sanitary District Board Member, supported the waiver because the record is clear. He expressed Concern that the cost of upgrading the plant represents a 'double whammy' in addition to the upcoming requirements to comply with the Stormwater Permit.

Drew Bohan of Channelkeeper, Hillary Hauser of Heal the Ocean, and Victoria Clark, Attorney, stated their support of the Resolution.

Executive Officer Briggs summarized proposed changes to the Resolution specified in the Supplemental Sheet for this Item.

The Chairman closed the meeting's public testimony portion. Chairman Shallcross stated that the waiver is not a temporary solution to enable dischargers time to gather resources to upgrade to full secondary standards. The waiver exists because BOD levels are not a concern in the Ocean compared to inland waters. He would like to see secondary also but through Basin Plan Amendment. The current process is inefficient and unfair otherwise. Mr. Hayashi expressed his support for the waiver because the Discharger met the requirements for compliance with the waiver. Dr. Press said he shared the Chairman's concerns but has questions about the long-term study.

MOTION: Russell Jeffries moved to approve Resolution No. RB3-2002-0077 with the following changes:

1. Finding #14: (Add the four words in italics): **"The Discharger developed population, flow, and other projections, [*and not any alternate*] projections to the Board in the application for renewal of the Permit/Order."**

2. Finding #37: (One sentence to be removed): “While there are no shellfish operations near the outfall because of Department of Health Regulations, there are shellfish growers nearby that historically may have been adversely affected by the discharge before it was chlorinated.”

3. Applicant is directed to submit a NPDES Permit Application to the Regional Board five months from today.
(Note: Date to be inserted in Resolution)

SECONDED by Bruce Daniels.

A roll call vote was taken as follows:

Don Villeneuve:	Yes
Daniel Press:	Abstained
Marco Rizzo:	Yes
John Hayashi:	No
Russell Jeffries:	Yes
Bruce Daniels:	Yes
Leslie Bowker:	Yes
Gary Shallcross:	No

CARRIED – (5-2) [Note: Dr. Press abstained from voting since he was unable to listen to or view a transcript of the April 19, 2002 hearing]

Chair Shallcross announced a brief closed session at 11:15 a.m. The meeting reconvened at 11:25 a.m.

10. Military Facilities Update [Michael LeBrun 805/542-4645] Status Report

This is a written report. Bruce Daniels suggested thank you letters be sent for the Monterey Peninsula Airport

cleanup. Mr. Daniels also suggested initiating a letter writing campaign for the Camp Roberts cleanup.

12. Buena Vista and Klau Mines Remediation Project [Gerhardt Hubner 805/542-4647] Status Report

Regional Board staff Senior Engineering Geologist Gerhardt Hubner gave a presentation with photos describing the history and current status of the site.

13. Basin Plan E-version, Index, Glossary, and List of Acronyms Information

This is a written report. Executive Officer Briggs pointed out that we do have the electronic version of the Basin Plan available, however, the Glossary of Terms is on hold due to concerns by our legal counsel

on the origins of some of the legal terms. The Basin Plan is now more accessible and useable due to its “e” availability.

Chair Shallcross announced a lunch break and closed session meeting at 11:55 a.m. The meeting reconvened at 1:45 p.m.

14. Water Quality Planning and Nonpoint Source Implementation 319(h) and 205(j) and Proposition 13 Grant Ranking [Sorrel Marks 805/549-3695 and Alison Jones 805/542-4646] Board Discussion

Regional Board staff member, Sorrel Marks, presented the ranked lists of 319(h) and 205(j) project proposals for 2002 and discussed criteria used to score proposals. 319(h) and 205(j) funds are grants from the US Environmental Protection Agency. 319(h) funds are used for nonpoint source implementation projects and 205(j) funds are used for planning projects. Region 3

received eighteen 319(h) proposals and four 205(j) proposals. After hearing comments from the public, the Board approved the ranked lists. The ranked project lists will move on to statewide competition. Final lists will be adopted by the State Water Resources Control Board at the October 2002 meeting.

MOTION #1: Russell Jeffries moved to approve the 319(h) and 205(j) grant rankings as submitted by Regional Board staff. SECONDED by John Hayashi. CARRIED – Unanimously (8-0)

(Board Member Hayashi left the meeting at 3:00 p.m.)

Regional Board staff member, Alison Jones, presented the ranked list of Proposition 13 proposals for Phase II and discussed criteria used to score proposals. Funds are available through the Costa-Machado Water Bond Act of 2000, and are used to fund various types of nonpoint source projects. Although Proposition 13 comprises several different programs, during Phase II the only fund available to Region 3 was under the Coastal Nonpoint Source program. This fund is administered jointly by the California Coastal Commission and the State and Regional Boards. Region 3 received 68 concept proposals and invited 22 full proposals. Eighteen full proposals were submitted. Several members of the public commented on the ranking of the projects.

After hearing public comment, the Board reordered the ranking by moving the second ranked project to the eleventh rank, noting that the project was in a watershed (Elkhorn Slough) that had already received considerable resources. The ranked project list will move on to statewide competition. Final lists will be adopted by the State Water Resources Control Board at the October 2002 meeting. Executive Officer Briggs thanked staff members Alison Jones, Julia Dyer, Bill Arkfeld, Sorrel Marks, Amanda Bern, Karen Worcester, and Ross Clark, California Coastal Commission, for their excellent work with the proposals. Chair Shallcross thanked the project representatives for taking the time to come to the meeting to discuss their projects.

MOTION #2: Bruce Daniels moved to approve the Proposition 13 grant rankings 1-11 to include moving the second ranked project to the eleventh rank with an explanation. SECONDED by Les Bowker. CARRIED – (6-1) Russell Jeffries cast “no” vote.

Chair Shallcross announced a break at 4:30 p.m. The meeting reconvened at 4:40 p.m.

15. Total Maximum Daily Loads [Lisa McCann 805/549-3132] Status Report

Staff member Lisa McCann shared the actual reports generated by staff on the TMDL projects with the Board. She pointed out one correction on the staff report attachment (the Pajaro River Siltation TMDL schedule will be re-scoped during this fiscal year).

Staff prepared a TMDL Fact Sheet and distributed it to all of the stakeholder meetings and others interested in TMDLs. Board member Villeneuve complimented staff for their excellent written compilation.

17. Reports by Regional Board Members Status Report

Chair Shallcross will be in Sacramento on Wednesday, July 17 to attend a timber harvest workshop at the State Board.

18. Executive Officer's Report [Roger Briggs 805/549-3140] Information/Discussion

Executive Officer Briggs noted that a written update on the Los Osos Wastewater Management Project was received from Bruce Buel of the Los Osos CSD, and Mr. Buel was present to answer any questions. Mr. Briggs also distributed a diagram showing the groundwater circulation system for the MTBE site in Los Osos, in response to a question from the Board earlier in the meeting. Chair Shallcross discussed the need for a better method of dealing with the question of "ability to pay" in penalty cases.

Mr. Briggs noted the Summary of Sediment Contamination Data from the Moss Landing Harbor item. The summary is a follow-up to the April Board meeting question about the nature of contaminants and if there are any trends.

Mr. Briggs noted a Supplemental Sheet for the Chateau Julien Winery/Carmel Valley that provides an update on compliance history and staff inspection.

A Supplemental Sheet for California Energy Commission (CEC) regarding the Duke Energy Power Plant Project includes their revised schedule and what they believe is needed for an adequate habitat enhancement proposal. We are now looking at the February Board meeting to address the permit for this project.

In response to the June Offsite meeting suggestion on the MTBE item, we will set off all new information in italics (applies to long-running cases).

The deadline for the Stormwater Phase II Program is March 2003. The State Board will be coming to our offices on July 30 to participate in a workshop.

Management Coordinating Committee (MCC) meeting news includes budget cutting measures as follows: a job vacancy sweep (eliminating vacant positions without backfilling), and additional efforts in prioritizing our work projects. In addition, the Above Ground Tanks Program will likely be eliminated. We will try to incorporate those projects into the SLIC (Spills, Leaks, Investigations, and Cleanups) program. Waste Discharge Requirement updates and some inspections may be cut as well. SWIM (our statewide water information management data base) funding has been cut.

Our next meeting will include five enforcement actions. We are planning a two-day Board meeting to begin on Thursday, September 19 to continue on Friday, September 20, 2002.

Board member Jeffries asked about the status of the Loma Alta Farm and the golf course. Brad Hagemann responded that the status is summarized in the EO report and added that Mr. Fallon is not pursuing the issue at this point. Also, the golf course will apply for a construction permit with the County.

Mr. Briggs distributed a Board Meeting Presentation Feedback Form to the Board as a response to a Board suggestion and asked for feedback from the Board. We can also send the form electronically.

Chairman Shallcross adjourned the public meeting at 5:10 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its September 19-20, 2002 meeting in Salinas, CA.



Gary Shallcross, Chair